

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY MIDGYETT,

Petitioner,

v.

Case No. 17-cv-13846

HONORABLE AVERN COHN

SHANE JACKSON,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION
TO HOLD RESPONDENT IN DEFAULT (Doc. 9)
AND
DIRECTING RESPONDENT TO MAIL A COPY OF THE RESPONSE TO PETITIONER

This is a pro se habeas corpus case under 28 U.S.C. §§ 2241 and 2254.

Petitioner Gregory Midgyett challenges his state court convictions for second-degree murder and three weapon offenses. Before the Court is Petitioner's motion to hold respondent Shane Jackson in default for allegedly failing to file a timely response to the petition. See Doc. 9. Petitioner makes a similar allegation in a letter filed on April 18, 2019. See Doc. 10.

Petitioner accurately points out in his motion and letter that Respondent was ordered to file a responsive pleading by June 4, 2018. See Doc. 4. Contrary to Petitioner's additional allegation, however, Respondent is not in default. He filed a timely answer to the petition and the state-court materials on June 4, 2018. See Docs. 7-8. He has also certified that he mailed a copy of his answer to Petitioner. See Doc. 7, p. 60.

Accordingly, Petitioner's motion to hold Respondent in default is **DENIED**.

Petitioner also requests a copy of the Respondent's answer. See Doc. 11.

Although Respondent certified that a copy was mailed to Petitioner, in an abundance of caution, the Court **DIRECTS** that Respondent mail another copy of the answer to Petitioner.

SO ORDERED.

Dated: 6/12/2019
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE